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Alaska Bar No. 8306019

Counsel for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. 3:05-cv-260-JKS
	)	
Plaintiff,	)	<b><u>AFFIDAVIT OF COUNSEL IN</u></b>
v.	)	<b><u>SUPPORT OF APPLICATION FOR</u></b>
	)	<b><u>ENTRY OF DEFAULT</u></b>
ONE MARLIN FIREARMS CO. RIFLE,	)	
MODEL 25N, .22 CALIBER, SERIAL	)	
NUMBER 08587184,	)	
	)	
Defendant.	)	
_____	)	
STATE OF ALASKA	)	
	)ss.	
THIRD JUDICIAL DISTRICT	)	

JAMES BARKELEY, being duly sworn under oath, deposes and states as follows:

1. That I am an Assistant U.S. Attorney for the District of Alaska, duly authorized to act as an attorney for the plaintiff herein.

2. That notice of this judicial forfeiture action was published in the Fairbanks Daily News-Miner on March 17, 24, and 31, 2006. Docket 9.

3. That claimant Dwayne L. Roberts was personally served with the Verified Complaint for Forfeiture, the Request for Judicial Issuance of In Rem Warrant of Arrest, and purview of the Soldiers' and Sailors' Relief Act of 1940, as amended.

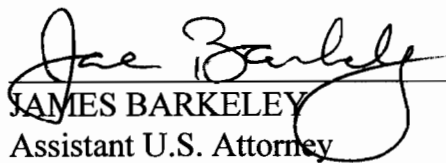
6. That more than 30 days, exclusive of the date of service, have elapsed since the claimant Dwayne L. Roberts was served with process, and no claim or answer has been served or filed, and the time for doing so has now fully elapsed, and therefore, Mr. Roberts is now in default.

7. That Andrew John Folger was personally served with notice of this judicial forfeiture action via Certified U.S. Mail, Return Receipt Requested, on April 6, 2006. Docket 10.

8. That more than 30 days, exclusive of the date of service, have elapsed since Andrew John Folger was served with notice, and no claim or answer has been served or filed, and the time for doing so has now fully elapsed, and therefore, Mr. Folger is now in default.

9. That more than 30 days have elapsed since the date of final publication of notice of this judicial forfeiture action, and no claim or answer has been served or filed by any person or entity, and the time for doing so has now fully elapsed, and therefore, all persons and entities claiming an interest in the defendant property are now in default.

EXECUTED this 28<sup>th</sup> day of August, 2006 in Anchorage, Alaska.


  
JAMES BARKELEY

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Alaska Bar No. 8306019

SUBSCRIBED AND SWORN TO before me on this 28<sup>th</sup> day of August, 2006 in

Anchorage, Alaska



  
NOTARY PUBLIC, State of Alaska  
My commission expires: 10/26/2007

**CERTIFICATE OF SERVICE**

I declare under penalty of perjury that a true and correct copy of the foregoing AFFIDAVIT OF COUNSEL IN SUPPORT OF APPLICATION FOR ENTRY OF DEFAULT was sent via U.S. Mail this 28<sup>th</sup> day of August, 2006, to:

DWAYNE L. ROBERTS  
P.O. Box 46  
Tanana, AK 99777

ANDREW JOHN FOLGER  
Third Street (P.O. Box 46)  
Tanana, AK 99777

s/James Barkeley\_\_\_\_\_